5. SLANDER—*Common law and statutory—Different courts—Common law slander declared on as insult.* Common law slander and the statutory action for insulting words cannot be united in the same count of a declaration; but although the words spoken be actionable at common law, they may also be declared on under the statute if the declaration or count satisfactorily shows that it was intended to be framed under the statute for insulting words and not for common law defamation. All common law defamations are insults, and many of them are sometimes more.

BOARD OF SUPERVISORS OF NORFOLK COUNTY v. COX.—Decided at Wytheville, June 14, 1900.—*Riely*, J:

1. CONDEMNATION PROCEEDINGS—*Site for courthouse, clerk's office and jail.* The board of supervisors of a county may, on application to the proper tribunal, have land condemned which has been selected by them for the location of the courthouse, clerk's office and jail of the county.

2. COUNTIES—*Public buildings—Location—City within county limits—County courthouse within city limits—Condemnation—Removal of records.* The clerk's office of a county must be kept at its courthouse, except in case of certain emergencies, and the courthouse must be located within the boundaries of the county, but the fact that a city is established within the territorial limits of a county does not alter the boundaries of the county, nor curtail its territorial limits, although its court is deprived of jurisdiction, civil and criminal, within the limits of the city. The county may still keep its courthouse and other public buildings, and hold its court within the city limits. If additional land within the city limits is needed for its clerk's office, and the same cannot be purchased of the owner, it may be condemned by proper proceedings for the purpose. The removal of the records to such clerk's office is not such a removal of them out of the county as is prohibited by law.

GILLESPIE v. COLEMAN.—Decided at Wytheville, June 14, 1900.—*Buchanan*, J:

1. APPEAL AND ERROR—*Final judgment—Demurrer.* A writ of error in an action at law lies only to a final judgment. Sustaining or overruling a demurrer to a declaration is not a final judgment. To make it final in the first case there must be a judgment of dismissal, and in the latter a judgment for the amount or thing sought to be recovered, or some order which puts an end to the case.

KOSS AND OTHERS v. CASTELBERG AND OTHERS.—Decided at Wytheville, June 14, 1900.—*Keith*, J:

1. CHOSES IN ACTION—*Balance in bank.* A balance in bank to the credit of a depositor is, strictly speaking, a chose in action. It is often treated, however, as ready money, and whether it is to be treated as one or the other depends upon the circumstances of the particular case.

2. WILLS—*Case in judgment—Choses in action—Balance in bank—Doubtful construction—Equality.* A testator bequeathed "all horses, harness, wagons, machinery, and all other personal property used in my butchering business, including all choses in action," to his four sons. There was due to him by open accounts in